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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,875	06/30/2003	Patrick Lynn Franzen		7098

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EXAMINER

BAXTER, GWENDOLYN WRENN

ART UNIT PAPER NUMBER

3632

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,875

Applicant(s)

FRANZEN, PATRICK LYNN

Examiner

Gwendolyn Baxter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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This is the first Office action for serial application number 10/607,875, Jack Strut Stabilizer, filed on June 30, 2003.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "19" has been used to designate both tab (at line 21 of page 8) and plate (at line 20 of page 9). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claim 1, line 1, recites “a pick up truck type camper”. The addition of the word “type” to an otherwise definite expression extends the scope of the expression to render it indefinite.

In claim 2, line 1, “said detachable coupling” should read –said means for detachable coupling- to maintain consistency of language.

In claim 4, line 2, “Said inside” should read –said inside-; line 3, “Receive” should read –receive- and line 4, “Portion” should read –portion-.

Regarding claim 5, the preamble recites an intended use for a support leg or jack stand. At lines 5 and 6 of this claim recites a positive limitation of the means for pivotal attachment of one end of said cross tying brace to said support leg or jack stand. Consequently, it is not clear whether applicant intends to claim the combination of the cross tying brace with the support leg or jack stand.

In claim 6, line 1, “The combination” lacks proper antecedent basis.

Claim 7 recites limitations for different categories of invention, and it is not clear which category of invention the claim is actually directed to. The claim recites both an apparatus limitations and method limitations, such that the claim is not clear whether it is directed to an apparatus or method. At lines 8 and 9 of claim 7 recites “installing said retaining clip through said small hole in said stud quick disconnect attachment is achieved.” Clarity is requested.

In claim 8, line 3, “said jack stand” and lines 4 and 5, “said adjacent structure” lacks proper antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Meriwether, Jr, U.S. Patent No. 4,304,078. Meriwether teaches a plurality of coaxial mating adjustable length tubes (10, 11) provided for with clamping means (25-27) for attachment to a stand or object at one end and provision (3) for quick disconnect attachment to the adjacent structure at the opposite end.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,268,066 to Davis in view of U.S. Patent No. 4,119,223 to Fiechter. Davis teaches a camper jack stabilizing unit. The stabilizing unit comprises a tube (34) having a first exposed end of the stabilizing unit is coupled to a mounting bracket (50) on the camper jack strut and second exposed end of the stabilizing unit provides means for detachable (38) coupling of the stabilizing unit to said camper body. The detachable coupling comprises a

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stabilizer coupling component integral to said second exposed end of the stabilizing unit and a second component anchoring device (38) fixed to the camper body arranged for mating with the stabilizer component geometry on the second exposed end of the stabilizing unit. The mounting bracket pivotally joins the first exposed end of the stabilizing unit to the camper jack strut allowing the second exposed end of said stabilizing unit to access said anchoring component of the detachable coupling wherein the anchoring component of the detachable coupling could be mounted at a plurality of locations on said camper body. The pivotal attachment of the cross tying brace provides for 180 degrees of arc movement of said cross tying brace on a vertical plane parallel to the support leg or jack stand. The detachable means or the quick disconnect attachment comprises an anchoring plate (38) substantially mated to the adjacent structure or camper body with the anchoring plate having a short cylindrical stud (44) protruding there from arranged to accommodate a hole (36) in the opposite end of the cross tying brace. The stud is provided for with a small hole (44) substantially through the diameter arranged for receiving a standard retaining clip (42) and whereby placing the hole of the cross tying brace over the pin of the anchoring plate and installing the retaining clip through the small hole in the stud quick disconnect attachment is achieved. However, Davis fails to teach the telescoping outside and inside tubes.

Fiechter teaches a telescoping outside and inside tubes having means for restricting telescoping motion between the outside tube and the inside tube. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the tube as taught by Davis to incorporate the lockable telescoping outside and inside tube as

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taught by Fiechter for the purpose of varying the angle between the object and the support the strut is attached thereto.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Fiechter as applied to claims 1-3, 5-7 above, and further in view of U.S. Patent No. 5,240,032 to Mizioch. Davis in view of Fiechter teaches the limitations of the base claim, excluding a threaded hole in the outside tube arranged to receive a threaded bolt portion.

Mizioch teaches a telescoping outside and inside tube having a means for locking the outside tube and the inside tube for the purpose of fixing said stabilizing unit to plurality of lengths. The means for locking the outside tube to the inside tube comprises a threaded hole in the outside tube arranged to receive a threaded bolt portion wherein rotational motion of said threaded bolt portion causes end of the threaded bolt portion to contact with the inside tube wherein telescoping motion between the outside and the inside tube is substantially restricted. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the means for locking the telescoping tubes as taught by Davis in view of Fiechter to have incorporated the locking means as taught by Mizioch, a mere substitution of functionally equivalent parts for the purpose of readily changing the position of the outside tube relative to the inside tube.

Conclusion

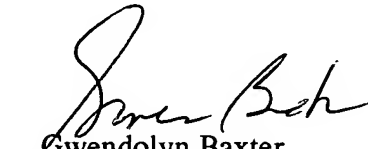
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Orthman 3,941,194 and Meriwether 4,304,078 teach a telescoping braces.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 703-308-0702. The examiner can normally be reached on Monday-Wednesday, 8:00am -5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gwendolyn Baxter
Primary Examiner
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February 22, 2005